



**TO:** All DWD Permanent, Temporary and Contract  
Personnel  
UNITY Representatives  
AFSCME Representatives

**FROM:** Leslie G. Fatum, General Counsel

**DATE:** June 15, 2003

**SUBJECT:** DWD Policy 2002-58  
Background Checks for DWD Employment

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An Equal Opportunity Employer

**PURPOSE:** To revise the policy for background checks on all individuals hired for positions within the Indiana Department of Workforce Development.

**RECISSION:** DETS Communication #93-17

**CONTENT:** The State of Indiana and the Department of Workforce Development seek to provide the public with qualified staff who possess good character and meet the required standards of competence for the positions in which they are employed. This policy follows the guidelines established by the State Personnel Department for providing basic safeguards against employee dishonesty and assistance in maintaining a safe work environment for the employees, clients and customers of DWD.

**PROCEDURES AND RESPONSIBILITIES:** Except for investigative situations, these background checks will be prospective, and performed only for newly entering employees. **This includes hourly, temporary and/or contract employees.** Every effort should be made to complete the checks prior to making an offer of employment. In any event, applicants should be informed that any employment offer is contingent upon successful completion of all required background checks. The State Personnel Department has revised the state application form to indicate what background check has been performed.

1. All new employees will receive the following 'Tier I' checks:

Tier I

- State Criminal History Check: this is the most basic check on arrest(s) or criminal conviction(s) provided by the Indiana State Police. It is available online by Access Indiana. Arrest(s) may be considered only if the charge(s) are still pending. A refusal to hire an individual because of a past criminal conviction should be based on the relevance of that conviction to the position for which the applicant is being hired. In addition, an applicant who has recently lived in a jurisdiction outside of Indiana, or comes from a local area that has a history of under-reporting to the State Police data

bank may be subject to having the criminal court records of that specific jurisdiction checked. DWD Investigations & Security will be responsible for performing this check.

- Employment Verification: All work experience listed on the application/resume, that qualifies the individual for the position sought, will be verified. All employment during a period of at least seven (7) years immediately preceding the application will be verified by determining dates of employment, reasons for leaving, and an explanation for any periods of unemployment. Interviews with the applicant's past supervisors, subordinates and/or co-workers may be included in this procedure. The hiring supervisor/manager will be responsible for performing this check.
- Educational Verification: All academic diplomas and degrees will be verified either by telephone contact or by written verification from the educational institution. Human Resources will be responsible for performing this check.
- Reference Check: All references provided by the applicant will be contacted. The hiring supervisor/manager will be responsible for performing this check.
- Motor Vehicle Check: Information available online through the BMV website will be checked to determine an applicant's driving record and status. Investigations & Security will be responsible for performing this check.

2. In certain circumstances, applicants may be subject to the following:

#### Tier II

- License Verification: Any position requiring licensure will require the verification of a license in good standing.
- Any individual conditionally offered a position which authorizes disbursement of funds will be subject to background examinations commensurate with the level of responsibility, which may include checks for civil judgments, state tax payment currency and credit history. Such checks may also be performed in situations involving suspected theft, fraud and/or similar suspect behavior by current employees that necessitate an investigation.

Note: **A credit history check may be used only where there is a business necessity.** Federal law places restrictions on the use of this information and any employment decisions based on credit histories must be disclosed to applicants. The Fair Credit Reporting Act (FCRA) requires a separate written notice and authorization before a report from a consumer reporting agency can be procured. Further, if the employer proposes to deny employment or take any adverse action as a result of information contained in a consumer report, an adverse action disclosure is required. See forms attached to this policy. Any hiring manager or supervisor who desires to obtain a credit history on a particular applicant or employee **MUST** consult with the General Counsel prior to doing so.

3. All positions directly reporting to the Commissioner may be subject to additional background examinations to include, but not limited to, the following:

Tier III

- Credit History: A credit record check will be made in compliance with provisions of the Fair Credit Reporting Act.
- Tax Payment: A check will be made with Indiana Department of Revenue for compliance with state tax payment requirements.
- Sex Offender Registry: The Criminal Justice Institute maintains and updates the Indiana Sex and Violent Offender Directory database, available through Access Indiana.

**REFERENCES:**

IC 4-15-1.8-7

IC 4-15-2-16

IC 5-2-5

**EFFECTIVE DATE:** July 1, 2003

**ACTION:** All managers and supervisors will utilize these policy guidelines in filling positions within DWD

**REVIEW DATE:** June 30, 2005

**OWNERSHIP:** Legal Support